THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2062 OF 2005.

DATED:24-10-2005

Between

D.R.Drivedi son of Muneswar
Dwivedi, aged 47 yrs, employee
(u/t) r/o Barke Dhakaioch post
and village

….Appellant

And

1.The Commandant, Central
Industrial Security Force (CISF)
Unit BHEL, Hyderabad and 2
Others.

…Respondents

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant herein is the writ petitioner who seeks to assail the orders though varying with the quantum of punishment and granting lesser punishment

mainly on the ground that even on merits, there is nothing to support in respect of the charge against him since the Medical Officer does not give any such opinion against him.

The case of the appellant is that having regard to fact that except the other evidence which is sought to be relied on, the Medical Officer's opinion itself support his case.

Having considered the submissions made and on perusal of record, it is seen that the writ petition was filed initially challenging the very punishment of dismissal as confirmed by the appellate authority. The main allegation is that he was found in drunken state while he was working as such and thereafter disciplinary proceedings were initiated. After regular enquiry, he was dismissed from service and this Court after considering the entire proceedings has ultimately converted the quantum of punishment from that of dismissal to that of stoppage of two increments without cumulative effect for a period of two years. Having regard to the discretion already exercised and the appellant was sufficiently given the relief, we do not find any justification varying with the same.

In the above circumstances, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 24-10-2005.

G.YETHIRAJULU, J

Hsd